

## **REMARKS**

**[0010]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1-11, 18-29, 36-45, 49-60 67-86 are currently pending
- Claims 5-10, 22-28, 40, 42-45, 53-59, 71-74 and 79-84 are canceled herein
- Claims 1, 4, 18, 36, 41, 49, 60, 67, 75 and 85 are amended herein

**[0011]** Support for the amendments to 1, 18, 36, 49, 67 and 75 is found in dependent claims 5-10, 22-28, 40, 42-45, 53-59, 71-74 and 79-84.

### **§ 101 Rejections**

**[0012]** Claims 1-11, 18-29, 36-45 and 49-60 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant respectfully traverses this rejection.

**[0013]** Nevertheless, for the sole purpose of expediting prosecution and without commenting on the propriety of the Office's rejections, Applicant herein amends claims 1, 18, 36 and 49 as shown above. Claims 2-11, 19-29, 37-45 and 50-60 depend from independent claims 1, 18, 36 and 49. Applicant respectfully submits that these amendments render the § 101 rejection moot.

### **Cited Document**

**[0014]** Levy: Levy et al., U.S. Patent Application Publication No. 2003/0053656 has been applied to reject one or more claims of the Application.

**[0015]** Fontijn: Fontijn et al., U.S. Patent Application Publication No. 2005/0246777 has been applied to reject one or more claims of the Application.

**[0016]** Yamasaki: Yamasaki et al., U.S. Patent Application Publication No. 2004/0141456 has been applied to reject one or more claims of the Application.

### **§ 102 and §103 Rejections**

**[0017]** Claims 1, 4-6, 8-11, 18, 21-23, 25-29, 36, 39-45, 49, 52-54, 56-60, 67, 70-75 and 78-86 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Levy. Applicant respectfully traverses the rejection.

**[0018]** Claims 2-3, 19-20, 37-38, 50-51, 68-69 and 76-77 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Levy in view of Fontijn. Applicant respectfully traverses the rejection.

**[0019]** Claims 7, 24, and 55 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Levy in view of Yamasaki. Applicant respectfully traverses the rejection.

**[0020]** **Independent claim 1**, as amended, recites an optical data storage medium comprising (Underlined text indicates amended language):

- a memory;

- one or more processors operatively coupled to the memory and disposed within one or more devices;
- optically-readable material suitable for storing data therein;
- stored within said optically-readable material, instructional data for an optical media content protection scheme, said instructional data being configured to cause logic associated with an optical media receiving device to operatively perform in accordance with said optical media content protection scheme when programmed using said instructional data and accessing associated content data stored on said optical data storage medium;
- at least one optically-detectable authentication component,
- wherein said at least one optically-detectable authentication component includes a plurality of optically-detectable authentication components forming a substantially unique pattern using at least one optically detectable material,
- wherein said optically detectable material includes at least one material selected from a group of optically detectable materials comprising an opaque material, a partially opaque material, a polymer-based material, and an epoxy-based material,
- wherein said at least one optically-detectable authentication component forms an optically-detectable certificate of authentication (COA);
- stored within said optically-readable material, COA information data, said COA information data including at least one type of data associated with said COA selected from a group of COA information data comprising raw optically-detected COA data, COA related plaintext data, and COA related signature data; and
- at least one top surface material, wherein said at least one optically-detectable authentication component is formed on said top surface material.

[0021] The Office argues that Levy anticipates the subject matter of claim 1 prior to the amendment to this claim. Applicant respectfully disagrees. Nevertheless, without conceding the propriety of the rejection and in the interests of expediting allowance of

the application, Applicant herein amends claim 1 to incorporate features previously recited in dependent claims 5-10. Claims 5-10 have been canceled accordingly. In the Pending Action, the Office also rejects dependent claims 5-10 as allegedly being anticipated by Levy.

**[0022]** Levy is directed to "[A] digital watermark [that] is embedded in an image or text." (Levy, Abstract.)) Levy does not disclose or suggest

at least one optically-detectable authentication component, wherein said at least one optically-detectable authentication component includes a plurality of optically-detectable authentication components forming a substantially unique pattern using at least one optically detectable material, wherein said optically detectable material includes **at least one material selected from a group of optically detectable materials comprising an opaque material, a partially opaque material, a polymer-based material, and an epoxy-based material**, wherein said at least one optically-detectable authentication component forms an optically-detectable **certificate of authentication (COA)**; stored within said optically-readable material, COA information data, said COA information data including at least one type of data associated with said COA selected from a group of **COA information data comprising raw optically-detected COA data, COA related plaintext data, and COA related signature data**; and at least one top surface material, wherein said at least one optically-detectable authentication component is **formed on said top surface material**,

as recited in amended claim 1. (Emphasis added.)

**[0023]** Instead, Levy recites "the pattern of the visual design 10a is associated with an identifier, which is used as a substitute for the watermark identifier discussed herein." (Levy, Paragraph [0041].) Levy further recites "the visual design 10a is mathematically analyzed, e.g., via a hash or fingerprinting algorithm. The resulting hash or fingerprint value is used as an identifier." (Levy, Paragraph [0041].) Levy does not disclose the type of materials used or the use of a certificate of authentication which is different than

an identifier and mathematically analyzing the visual design as described below with the emphasized claim language.

**[0024]** While Levy describes “an identifier” and a type of “mathematical” analysis, Levy does not disclose or suggest that

optically detectable material includes **at least one material selected from a group of optically detectable materials comprising an opaque material, a partially opaque material, a polymer-based material, and an epoxy-based material**, wherein said at least one optically-detectable authentication component forms an optically-detectable **certificate of authentication (COA)**; stored within said optically-readable material, COA information data, said COA information data including at least one type of data associated with said COA selected from a group of **COA information data comprising raw optically-detected COA data, COA related plaintext data, and COA related signature data**; and at least one top surface material, wherein said at least one optically-detectable authentication component is **formed on said top surface material**, as recited in amended claim 1. (Emphasis added.)

**[0025]** Accordingly, independent claim 1 is believed to be allowable over Levy for at least the reasons discussed.

**[0026]** **Dependent claims 2-4 and 11** depend from independent claim 1 and are allowable by virtue of their dependency from allowable claim 1, as well as for the additional features that each recites.

**[0027]** **Independent claim 18** is rejected as being anticipated over Levy for similar reasons as claim 1. Claim 18 is allowable at least for reasons similar to those discussed above in regards to claim 1.

**[0028]** **Dependent claims 19-21 and 29** depend from independent claim 18 and are allowable by virtue of their dependency from allowable claim 18, as well as for the additional features that each recites.

**[0029] Independent claim 36** is rejected as being anticipated over Levy for similar reasons as claim 1. Claim 36 is allowable at least for reasons similar to those discussed above in regards to claim 1.

**[0030] Dependent claims 37-39 and 41** depend from independent claim 17 and are allowable by virtue of their dependency from allowable claim 17, as well as for the additional features that each recites.

**[0031] Independent claim 49** is rejected as being anticipated over Levy for similar reasons as claim 1. Claim 49 is allowable at least for reasons similar to those discussed above in regards to claim 1.

**[0032] Dependent claims 50-52 and 60** depend from independent claim 17 and are allowable by virtue of their dependency from allowable claim 17, as well as for the additional features that each recites.

**[0033] Independent claim 67** is rejected as being anticipated over Levy for similar reasons as claim 1. Claim 67 is allowable at least for reasons similar to those discussed above in regards to claim 1.

**[0034] Dependent claims 68-70** depend from independent claim 17 and are allowable by virtue of their dependency from allowable claim 17, as well as for the additional features that each recites.

**[0035] Independent claim 75** is rejected as being anticipated over Levy for similar reasons as claim 1. Claim 75 is allowable at least for reasons similar to those discussed above in regards to claim 1.

**[0036]** Dependent claims 76-78 and 85-86 depend from independent claim 17 and are allowable by virtue of their dependency from allowable claim 17, as well as for the additional features that each recites.

## **Conclusion**

**[0037]** Applicant submits that all pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, **the Examiner is urged to contact the undersigned representative for the Applicant before issuing a subsequent Action.**

Respectfully Submitted,

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Representative for Applicant

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